

REMARKS

Applicants respectfully request reconsideration of the rejection of the claims in view of the remarks set forth below. Claims 1-6, 9-17, 19, and 21-33 remain in the application. Claims 1-6, 9-17, 19, and 21-33 remain unchanged

35 U.S.C. §103

Claims 1-6, 9-17, 19 and 21-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hicks, in view of Takase and Rosser. The applicants respectfully traverse the rejection and submit the following arguments for consideration by the examiner.

Claim 1 recites, inter alia, "identifying active display elements and non-active display elements on the display unit . . . monitoring an aging of the active display elements . . . detecting when the display unit is turned off . . . determining if the display is going to remain off for an extended time period by tracking a user's viewing habits, storing the times that the display is turned on and off, and storing each length of time that the display remains on and off . . . and displaying a corrective image on the identified non-active display elements if it is determined that the display is going to remain off for an extended time period." As noted in the Office Action dated May 9, 2006, Hicks and Takase fail to teach the element, "storing the times that the display is turned on and off, and storing each length of time that the display remains on and off . . ." of claim 1. Applicants respectfully propose that Rosser also fails to teach the element, "storing the times that the display is turned on and off, and storing each length of time that the display remains on and off . . ." of claim 1.

Rosser appears to teach a set top box for use in supplying targeted electronic messages inserted into broadcast video signal. (col. 1 lines 15-18). The targeting of the messages is accomplished based on determining viewing habits. (col. 3 lines 45-60). A set top box is employed as a broadcast signal receiving device capable of monitoring and recording viewing information such as the time and duration a particular broadcast program is viewed based on the broadcast signal that is passed through to a display. (Fig. 2 and col. 7 line 60 to col. 8 line 19). The viewing information is used to create a viewer profile that is then either provided back to an external service or is used to compare the viewer profile to

incoming electronic messages. (col. 8 lines 11-16) The information allows the display of electronic message tailored to particular viewing habits, thereby improving the ability of advertisers to reach targeted audiences based on the broadcast programming a viewer watches. (col. 3 lines 4-13).

In contrast, claim 1 recites, inter alia, the step of, "determining if the display is going to remain off for an extended time period by tracking a user's viewing habits, storing the times that the display is turned on and off, and storing each length of time that the display remains on and off." The applicants respectfully suggest that viewing habits only including information regarding viewing times for broadcast content is not the same as monitoring the time that the display is turned on and off. In order to maintain even tube burn-in, actual display on and off times must be recorded. Rosser further suggests that information regarding viewing times is based on broadcast signals received in the set top box. (col. 7 lines 59-63 and col. 8 lines 4-14). However, this viewing time is not equivalent to the time that the display is on or off since the display may in fact be turned on for other purposes not related to viewing as monitored through the set top box. Rosser does not appear to teach or suggest any reason or method for monitoring the times the display is on or off because Rosser does not appear to recognize the importance of this function. Therefore, Hicks, Takase, and Rosser, taken individually or in combination, fail to teach or suggest all of the elements of claim 1.

Additionally, the application of Rosser to the problem related to maintaining even tube burn-in is not appropriate because Rosser appears to be nonanalogous art. Rosser appears to be nonanalogous art because it neither is within the field of the applicants' endeavor nor is reasonably pertinent to the applicants' overall problem. First, Rosser is not within the field of the applicants endeavor because Rosser appears directed at targeted advertising systems using broadcast video as opposed to the applicants' field of endeavor relates to maintaining even tube burn-in or phosphor aging. Rosser fails to even discuss picture tubes or problems associated with picture tubes and displays. Therefore Rosser is not within the field of the applicants' endeavor.

Second, Rosser is not reasonably pertinent to the applicants' problem because Rosser appears to be directed to monitoring viewing habits in order to improve advertising as opposed to the applicants' problem of maintaining even tube burn-in by, among other things, monitoring the times a display is on or off. The examiner has indicated that Rosser

discloses "tracking a user's viewing habits and storing the relevant data . . . which may be used to provided (sic) customized user burn-ins." The examiner has equated the term "burn-in" as used in Rosser with the use of the term "burn-in" in the applicants' specification. However, Rosser mentions the phrase "burn-in" exactly twice, once in the background and once in the detailed description. Both times the phrase is used, the language surrounding the phrase indicates that the phrase is directed at an alternate definition for "burn-in," namely a menu overlay inserted into a video signal introduced by a second signal source such as a set top box and represents, for instance, the insertion of statistics into a baseball broadcast. (col 7 lines 30-35). In contrast, the phrase "burn-in" in the applicants' specification indicates "burn-in" relates to the aging of the phosphor in a CRT. (page 1, lines 24-25).

Therefore, the phrase "burn-in" as used in Rosser is not in any way similar to its use in applicants' specification. Rosser does not teach or suggest anything within its disclosure related to the aging of phosphor in a CRT. As a result, one of ordinary skill in the art would not have known that the teaching of Rosser would apply to the problem of aging of phosphor in a CRT. Therefore, Rosser is nonanalogous and the application of Rosser as prior art to the applicants' invention is not appropriate.

Further, the applicants note that one of ordinary skill in the art would appear to have no motivation for combining Rosser with Hicks and Takase in the manner proposed by the examiner. Rather, the applicants respectfully propose that the rejection is the product of impermissible hindsight reconstruction based on selectively picking and choosing elements from Rosser using applicants' disclosure as a blueprint. Rosser, in particular, is directed at a purpose of improving targeted advertising and is not within the art area picture tube maintenance by monitoring and maintaining even tube burn-in. Therefore, Rosser appears connected to Hicks and Takase only through the teachings of the applicants' specification. A reconstruction based in the applicants' disclosure is not permissible as a rejection for obviousness under 35 U.S.C. § 103(a).

As a result of the preceding arguments, it is respectfully proposed that the rejection for obviousness under 35 U.S.C. § 103(a) is overcome and notice to that effect is earnestly solicited.

Dependent claims 2-6, 9-16, and 29, being dependent on and further limiting amended independent claim 1, should be allowable for that reason, as well as for the

additional recitations that they contain. Therefore, it is respectfully proposed that claims 2-6, 9-16, and 29 now stand in condition for allowance and notice to that effect is earnestly solicited.

Independent claim 17 includes elements similar to the elements of independent claim 1 and should therefore be allowable for the same reasons discussed above as well as for the additional recitations contained therein. Therefore, it is respectfully proposed that the rejection under 35 U.S.C. § 103(a) is overcome in accordance with the above remarks and notice to that effect is earnestly solicited.

Dependent claims 19 and 21-28, being dependent on and further limiting independent claim 17, should be allowable for that reason, as well as for the additional recitations that they contain. Therefore, it is respectfully proposed that claims 19 and 21-28 now stand in condition for allowance and notice to that effect is earnestly solicited.

Independent claims 30 and 31 contain limitations similar to those found in amended claims 1 and 17 respectively and should therefore be allowable for the same reasons discussed above as well as for the additional recitations contained therein. Therefore, it is respectfully proposed that the rejection under 35 U.S.C. § 103(a) is overcome in accordance with the above remarks and notice to that effect is earnestly solicited.

Claims 32 and 33

The examiner has indicated that claims 32 and 33 were not included in the rejection for claims 1-6, 9-17, 19, and 21-31 because the subject matter is patentably distinct from the other pending claims. The applicants respectfully traverse for the following reasons.

According to section 803 of the MPEP, the criteria for determining if patentably distinct inventions exist is that the inventions must be independent or distinct as claimed and that there must be a serious burden on the examiner to examine both inventions.

First, claims are considered independent if they are not related to the same field or are not connected in design, operation or effect. Independent claims 1 and 32 are related to the same field of art as claimed, namely the area of maintaining an even tube burn-in. Further, claims 1 and 32 have a disclosed relation in terms of their common elements that connect them in design and operation. Independent claims 1 and 32 are also directed at

solving essentially a similar problem connecting them in effect. Therefore, the applicants propose that independent claims 1 and 32 are not independent.

Second, claims are considered distinct if they are related as disclosed but are capable of separate manufacture, use, or sale, as claimed. One particular test for distinctness relates to mutually exclusive characteristics. Independent claims 1 and 32 represent claims covering two separate combinations of elements capable of the same use. However, claims 1 and 32 are also further claimed in combination. Claim 32 contains elements similar to the elements in claim 6 combined with some of the elements in claim 1. Claim 32 is therefore not mutually exclusive of the elements of claim 1 and claim 6. Therefore the applicants propose that claims 1 and 32 are not distinct

Last, the examiner has previously examined claim 1 and claim 6. Claims 1, 6, and 32 are all related to the same invention and purpose and, as a result, no burden appears evident. Therefore the applicants respectfully propose that, since independent claims 1 and 32 do not meet the criteria established for patentably distinct inventions, independent claims 1 and 32 are not patentably distinct.

As stated in the applicants' response dated February 15, 2006, claim 32 contains limitations similar to those found in claim 6 in combination with claim 1. Claim 32 recites, inter alia, "A method for equalizing burn-in in a display unit . . . comprising the steps of . . . identifying active display elements and non-active display elements . . . monitoring an aging of the active display elements . . . and displaying a corrective image on the identified non-active display elements for a time period manually scheduled by the user." As noted from the examiner's comments, neither Hicks nor Takase show a system that displays a corrective image that allows a user to program a time. In the Office Action dated May 9, 2006, "OFFICIAL NOTICE" was taken with respect to the subject matter of claim 6. More specifically, "OFFICIAL NOTICE" was taken of a system which allows a user to program a time (predetermined) which is set by the user, thus giving the user full control/functionality of the viewing system. The applicants are, however, not convinced that this aspect is well known with respect to the operation of equalizing burn-in and requests the examiner provide additional evidence to this effect.

Further, although user inputs regarding operation of a display unit may generally be known, a system that allows a user to schedule the time that the display unit displays a pattern for burn-in is not. The invention relies not on the user input as a single action, but

rather the result of this input producing a specific action to display a corrective image for a time period. Therefore, it is respectfully proposed that claim 32 stands in condition for allowance and notice to that effect is earnestly solicited.

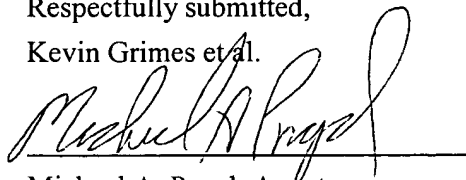
Claim 33, being dependant on a further limiting independent claim 32, should be allowable for that reason, as well as for additional recitations that they contain. Therefore, it is respectfully proposed that claim 33 stands in condition for allowance and notice to that effect is earnestly solicited.

Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicants' agent at (317) 587-4027, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No additional fee is believed due in regard to the present amendment. However, if an additional fee is due, please charge the fee to Deposit Account 07-0832.

Respectfully submitted,
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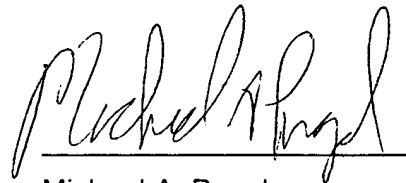
September 20, 2006

CERTIFICATE OF MAILING

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

SEP. 20, 2006

Date

A handwritten signature in black ink, appearing to read "Michael A. Pugel", written over a horizontal line.

Michael A. Pugel